

S/N 09/609,622

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Gregory D Sunvold et al.

Examiner: Susan Coe

Serial No.: 09/609,622

Group Art Unit: 1651

Filed: July 5, 2000

Docket: 1448.017US1

Title: NUTRITIONAL COMPOSITION FOR WEIGHT MANAGEMENT



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**AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111**

Commissioner for Patents  
Washington, D.C. 20231

In response to the Office Action mailed on July 25, 2002, please consider the following remarks.

This response is accompanied by a Petition, as well as the appropriate fee, to obtain a one-month extension of the period for responding to the Office Action, thereby moving the deadline for response from October 25, 2002 to November 25, 2002.

**REMARKS**

Reconsideration and withdrawal of the rejections of claims, in view of the remarks presented herein, is respectfully requested. The pending claims are claims 10-13 and 15-24. Claims 10-13 have been withdrawn from consideration.

**The 35 U.S.C. §103 Rejections of the Claims**

**Claims 15-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sunvold (U.S. Patent No. 5,932,258) in view of Hastings et al. (U.S. Patent No. 5,626,849) and the Purina CNM Veterinary Product Guide (Published in 1994 by the Ralston Purina Company). This rejection is respectfully traversed.**

The present application claims priority to U.S. Provisional Application No. 60/143,032, filed July 9, 1999; the primary reference U.S. Patent No. 5,932,258, issued August 3, 1999 (after the claimed priority date). Additionally, the instant application and the primary reference have the same inventor and are both assigned to The Iams Company. Accordingly, the primary reference can not be cited against the instant claims under 102(e)/103. In light of these facts, it is respectfully submitted that the primary reference is not prior art with respect to the instant application; withdrawal of the rejection is respectfully requested.



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We are transmitting herewith the following attached items (as indicated with an "X"):

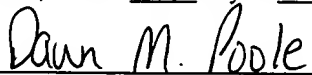
- ☒ A return postcard.
- ☒ An Amendment and Response (6 Pages).
- ☒ Petition for Extension of Time (1 pg.)
- ☒ Authorization to charge to Deposit Account No. 19-0743 in the amount of \$110.00 to cover the Extension of Time Fee.


Please consider this a **PETITION FOR EXTENSION OF TIME** for sufficient number of months to enter these papers and please charge any additional required fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938, Minneapolis, MN 55402 (612-373-6900)

By:   
Atty: Robert J. Harris, Ph.D.  
Reg. No. 37,346

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on this 15<sup>th</sup> day of November, 2002.

  
Name

  
Signature

**Customer Number 21186**

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
(GENERAL)

P.O. Box 2938, Minneapolis, MN 55402 (612-373-6900)